

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA GENERAL ENERGY COMPANY, LLC,)	
Plaintiff)	
)	
vs.)	C.A.No. 14-209ERIE
)	
GRANT TOWNSHIP,)	Magistrate Judge Baxter
Defendant.)	

ORDER

AND NOW, this 31st day of March, 2017;

IT IS HEREBY ORDERED that Defendant Grant Township's motion for summary judgment [ECF No. 157] is DENIED.

IT IS FURTHER ORDERED that Plaintiff PGE's motion for summary judgment [ECF No. 154] is GRANTED IN PART AND DENIED IN PART in the following regard:

- Granted as to judgment in PGE's favor on the counterclaim brought by Grant Township. The counterclaim is dismissed;
- Denied as to Count I – the Supremacy Clause challenge. Count I is dismissed;
- Granted as to Count II – the general equal protection challenge;
- Granted as to Count III – the Petition Clause challenge;
- Granted as to Count IV – the substantive due process challenge;
- Denied as to Count V – the procedural due process challenge; and
- Denied as to Count VI – the Contract Clause challenge.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge